

Administrative Order



Administrative Order No.: 8-5

Title: Permission to Conduct Private Business on Public Property

Ordered: 12/7/1999

Effective: 12/17/1999

AUTHORITY:

Section 4.02 of the Miami-Dade County Charter, Section 21-29.1 of the Miami-Dade County Code, Chapter 125.38 of the Florida Statutes.

SUPERSEDES:

This Administrative Order supersedes previous Administrative Order No. 8-5, ordered and effective December 19, 1989.

POLICY:

The Miami-Dade County Code provides that "It shall be unlawful for any person, firm, corporation or other legal entity to engage in any private business, commercial activity, or to undertake to provide any service for compensation, or to advertise or display merchandise, or to transact any business for profit, or to solicit business, on any property or facilities owned or operated by Dade County without first obtaining a permit, concession, lease, or other authorization in writing approved or authorized by Board of County Commissioners."

PURPOSE:

The purpose of this Administrative Order is to provide for a specific administrative process whereby permits to conduct private business on County property may be applied for and approved. Concessions, leases and other types of contractual agreements are normally through a competitive process and their issuance is not addressed in this Administrative Order. The permit process outlined herein is not intended in any way to diminish the County's long-established competitive bidding process.

PROCEDURE:

Persons or firms desiring to conduct private business on County property shall make application to the department director who is responsible for the property of interest. If the applicant is unclear as to the responsible department or if the property falls under the jurisdiction of more than one department, the request should be made

directly to the County Manager.

Department directors shall be responsible for preparing and distributing appropriate application forms; said forms, requesting at a minimum, the information below:

- Name of organization, firm or individual
- Mailing address
- Represented by
- Phone Number
- Description of intended use, type of business or scope of operation
- County facility/property requested for proposed activity
- Period of requested use, including dates, days of the week and hours of the day
- Not-for-profit status of organization. If not-for-profit, state the intended uses of the proceeds from the permitted activity.
- Completed and executed disclosure form
- Estimated costs for County services:
 - o Rental Charge
 - o Utilities
 - o Maintenance/Clean-up
 - o Security
 - o Administrative Support
 - o Other (including lost revenue)
- Description of any restrictions on the manner of use of County facility/property
- Signed statement acknowledging that the applicant has obtained all required licenses, permits and insurance as required by law, code, etc., and will indemnify and hold the County harmless for any liability arising out of negligence on the part of the permit holder (contact GSA/Risk Management Division, for advice and assistance, if necessary).

A completed copy of the above information and the department director's recommendation to the County Manager, except for permits issued pursuant to a blanket-type approval.

APPROVALS:

Each request shall be considered in terms of 1) the benefits and advantages accruing to Miami-Dade County; 2) the compatibility of said business with the normal operations and purpose of the property; 3) the nature and the magnitude of the activity and whether a concession, lease or other authorization would be more appropriate; and 4) the desirability of the proposed activity as it relates and contributes to the economic and social well-being of the community. Under no circumstances, however, is the County obligated to issue a permit.

Upon receipt of a person's or firm's application, the department director shall enter a

recommendation and forward a copy of the department's completed application form to the County Manager. Approved permits (form 105.01-3, Permit to Conduct Private Business on County Property) or rejected applications will be returned to the department director who shall notify the permit applicant of the final action.

PERMITS:

Permits shall be issued for a specific time period not to exceed one year in duration, are non-transferable, and may be revoked at any time at the discretion of the department director. Each permit holder shall keep a copy of the approved permit at each business site. A master file of all permits shall be maintained by the County Manager.

BLANKET PERMITS:

To facilitate the issuance of permits at events hosted by the County in which a number of vendors may be involved, departments may request authorization from the County Manager to directly issue vendor permits for those events. The request for authorization shall be by memorandum and sample permit form identifying and detailing the event, dates, estimated number of types of vendors, and the terms and conditions that will apply to the vendors at the event. A listing of the vendors issued permits is to be sent to the County Manager upon termination of the event. All permits shall expire at the termination of each event and may not carry forward to future events.

EXTENSIONS:

Permits, other than those specifically exempted in the section below, may be renewed once, upon approval by County Manager. If a person or firm wishes to continue to conduct private business on County property after the renewal period has expired, a concession or lease is required. The County will follow competitive procedures prior to awarding any concession or lease, where applicable.

COST RECOVERY:

It is the County's policy to recover all costs associated with the private use of county property. Examples of said costs include property rental charges, utilities, maintenance, security, and administrative overhead. Lost revenue may also be considered a cost. In addition, the County may require, as a condition of granting a permit, a share of the anticipated revenues of the permitted activity.

The waiver of any or all costs accruing to the county from the use of County property shall be the sole prerogative of the board of County Commissioners.

EXCEPTIONS:

If the permit is for 14 or fewer consecutive days per year, or 15 or fewer consecutive

weekends per year, or other similar configuration of days or weekends, it shall be considered to have been issued for a "limited time period" and shall be renewable without limit at the County's discretion.

In situations where the County routinely issues permits to all legitimate applicants wishing to conduct business at a specific location where it is clearly evident that the services and products are being provided competitively, the County may, at its discretion, renew said permits indefinitely without requesting bids and proposals. Examples of such permits includes the permission given to various vendors to provide goods and services to the airlines and shipping lines that use County facilities.

Other permits which may be renewed without limit at the County's discretion include:

1. Permits issued to persons or firms engaged in fund raising activities which are specifically organized for the sole purpose of promoting community interest and welfare may be renewed without limit at the County's discretion; or
2. Other governmental organizations or state political subdivisions; or
3. Not-for-profit youth, adult and senior, cultural, conservation and parks and recreation program service providers; or
4. Entities maintaining county property, including grove maintenance and harvesting.

This Administrative Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

M. R. Stierheim
County Manager